

TIMOTHY SCOTT WISE

§

VS.

§

CIVIL ACTION NO. 1:11cv148

HARLEY G. LAPPIN, ET AL.

§

Timothy Scott Wise, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

Defendant Womble has filed a motion to dismiss (doc. no. 14). The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the motion be granted with respect to the claim asserted against defendant Womble in his official capacity and denied with respect to the claim asserted against him in his individual capacity.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. No objections were filed to the Report and Recommendation.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. Defendant Womble's motion to dismiss is **GRANTED** with respect to the claim asserted against him in his official capacity and **DENIED** with respect to the claim asserted against him in his individual capacity.

So **ORDERED** and **SIGNED** this **21** day of **March, 2013**.

Tom Clark

Ron Clark, United States District Judge